

Remarks

Claims 1-7 are pending. Enclosed is a terminal disclaimer to cure the double patenting rejection based on U.S. Patent 6,651,763. Claim 1 has been amended to clarify that the vehicle acceleration is caused by the motorized drive; no new matter has been added. Applicant gratefully acknowledges the Examiner's recognition that claims 2-5 are patentable over the prior art, and asks for reconsideration of the rejection of claim 1 for the reasons given below.

Claim 1 is directed to an alarm system for alerting the operator of a vehicle having a motorized drive which in part requires "a controller for causing the motorized drive, in response to [a] specified condition, to accelerate the vehicle." Thus, in response to a condition sensed by a sensor, the motorized drive accelerates the vehicle.

The Bellinger reference does not teach or suggest such an arrangement. Both claim 1 and Bellinger use sensors to determine characteristics of a vehicle's operation. But where claim 1 uses a controller and motorized drive to *impart* an acceleration to a vehicle, Bellinger describes using a controller and brakes to *terminate* an undesired acceleration of an out of control vehicle (*i.e.*, a runaway truck). As shown in Fig. 4A cited by the Examiner, Bellingham is monitoring for a "potential runaway vehicle" (block 104) by checking to see if it is accelerating (block 112 – "CS increasing?"). Significantly, Bellingham repeatedly emphasizes that his invention is "controlling downhill vehicle operation" (Abstract; *see also*, col. 1, lines 23-31 and 62-67) to bring under control a runaway truck accelerating down a downhill grade. In such a situation, uncontrolled force outside the vehicle itself (gravity) is causing undesired acceleration that must be terminated. By contrast, claim 1 requires that the motorized drive creates the acceleration (in order to alert the operator).

Nor would a person of skill in the art think to modify the teachings of Bellingham to create an alarm system as required by claim 1. Claim 1 requires that an acceleration be imparted to a vehicle, whereas Bellingham is trying to prevent and terminate undesired acceleration of a vehicle.

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Claims 2-6 depend from claim 1 and are allowable for the same reasons. Claim 7 is a method claim similar to claim 1 and allowable for the same reasons. Reconsideration and allowance of the claims is respectfully requested.

Conclusion

Applicants believe that no extension of time is required; however, this conditional petition is being made to provide for the possibility that the applicants have inadvertently overlooked the need for a further additional extension of time. If any additional fees are required for the timely consideration of the application, please charge deposit account number 19-4972. In view of the foregoing amendments and remarks, Applicants believe this application is now in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is invited to call applicants' attorney at the telephone number listed below.

Respectfully submitted,



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